



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

with a citizen of Massachusetts, a stockholder in a Maine corporation, which was engaged in the business of dealing in hides and skins, and rendering tallow, bones, grease, and dead animals, in Norfolk, Va., that he would not engage in such businesses in the city where the corporation operated, or within a radius of 40 miles thereof, for 7 years, the evidence in the stockholder's suit, seeking to restrain defendant from engaging in such businesses, failing to show that the restraint sought to be imposed by the agreement upon the defendant was such only as was necessary to fairly protect the plaintiff's interests, but showing that the agreement was injurious to the public, as tending to lessen competition and affect prices of the commodities mentioned in the agreement, such contract will not be enforced by injunction.

[Ed. Note.—For other cases, see Injunction, Cent. Dig. §§ 120-123; Dec. Dig. § 61.\* 7 Va.-W. Va. Enc. Dig. 590.]

Appeal from Law and Chancery Court of City of Norfolk.

Suit by Dwight M. Pratt against Isaac Klaff. Decree for plaintiff, and defendant appeals. Reversed and annulled, and decree entered dismissing the bill.

*Jas. G. Martin*, of Norfolk, for appellant.

*A. B. Seldner*, of Norfolk, for appellee.

---

SPRINGS *v.* VIRGINIA RY. & POWER CO.

Sept. 9, 1915.

[86 S. E. 65.]

**1. Railroads (§ 348\*)—Action for Injuries—Contributory Negligence—Evidence.**—In an action for personal injuries in being struck by an electric car evidence held to show that plaintiff was guilty of contributory negligence in crossing the street without looking.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. §§ 1138-1150; Dec. Dig. § 348.\* 11 Va.-W. Va. Enc. Dig. 591.]

**2. Railroads (§ 327\*)—Contributory Negligence—Person Crossing Tracks.**—The duty to look and listen before crossing a railway track, which is imposed upon travelers upon a highway, continues as long as the occasion for the exercise of such duty continues, and if there is any point at which by looking and listening the person injured could have avoided the accident and he failed to do so, his contributory negligence defeats a recovery.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. §§ 1043-1056; Dec. Dig. § 327.\* 11 Va.-W. Va. Eng. Dig. 592.]

Error to Circuit Court, Norfolk County.

Action by A. A. Springs against the Virginia Railway & Power

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Company. Judgment for defendant, and plaintiff brings error. Affirmed.

*Jeffries & Jeffries and Wolcott, Wolcott, Lankford & Kear*, all of Norfolk, for plaintiff in error.

*Williams, Tunstall & Thom*, of Norfolk, for defendant in error.

---

WRIGHT et ux. v. RABEY.

Sept. 9, 1915.

[86 S. E. 71.]

**1. Boundaries (§ 32\*)—Action to Establish—Pleading—Answer.—**

Where, in a statutory proceeding to determine the boundaries of plaintiff's land, plaintiff incorporated two issues in her petition, the claimed location of her southern line and that of her western line, defense should not have been set up by way of answer, as though the proceeding were in equity, but by plea, since Acts 1912, c. 74, regulating the procedure of the action, provides that the remedy shall be on petition filed, which shall be matured for hearing as in ejectment, and that the trial shall be conducted as in other actions at law.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. § 145; Dec. Dig. § 32.\* 11 Va.-W. Va. Enc. Dig. 609.]

**2. Appeal and Error (§ 1042\*)—Harmless Error—Rejection of Plea Allowed in Substance.—**Where pleas on which issue was joined set up all matter contained in a plea which was rejected, such rejection, if erroneous, was harmless.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 4110-4114; Dec. Dig. § 1042.\* 1 Va.-W. Va. Enc. Dig. 582.]

**3. Boundaries (§ 36\*)—Evidence—Plat.—**Where plaintiff, in a statutory proceeding to determine her boundaries, introduced surveyors as witnesses, who produced two plats made by them, explaining how a certain line on one had been determined, stating that it was run on the best information they could obtain, such testimony and the plats were admissible in evidence.

[Ed. Note.—For other cases, see Boundaries, Cent. Dig. §§ 160-162, 164, 166-176; Dec. Dig. § 36.\* 11 Va.-W. Va. Enc. Dig. 607.]

**4. Appeal and Error (§ 1050\*)—Harmless Error—Evidence—Admission of Evidence.—**In a proceeding to determine boundaries, where a deed was admitted in evidence, which was not introduced in any wise to show any boundary line between the plaintiff and such defendants as later brought error, any error in its admission was harmless as to such defendants.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 1068, 1069, 4153-4157, 4166; Dec. Dig. § 1050.\* 1 Va.-W. Va. Enc. Dig. 582.]

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.